

fendant in such action who fails to comply with the provisions of this act,"

And find the same correctly engrossed.
BARRETT, Acting Chairman.

THIRTEENTH DAY.

Senate Chamber,

Austin, Texas,

Thursday, January 24, 1907.

Senate met pursuant to adjournment.
Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Harbison. Veale.

Prayer by the Chaplain, as follows:

O Lord God, our heavenly Father, we approach Thee this morning for blessings for the day. Look down upon us in mercy, and do Thou grant of Thy spirit for the active duties of this day. Our want of wisdom often brings us into mistakes that are grievous to us, and we do those things that we should not do. Grant us, O Lord, bountifully of Thy presence that in all of our labors today we may do the right thing. Help us to keep our tongues bridled and our passions in due bounds, that all of our labors may lead to Thy glory and the good of our country. Pardon our offenses, and bring us to Thyself at last for Christ's sake. Amen.

Pending the reading of the Journal of yesterday, on motion of Senator Chambers, the same was dispensed with.

EXCUSED.

On motion of Senator Harper, Senator Harbison was excused from attendance upon the Senate for yesterday and the remainder of this week, on account of important business.

(See Appendix for committee reports, petitions, and memorials.)

BILLS AND RESOLUTIONS.

By Senator Glasscock:

Senate bill No. 107, A bill to be entitled "An Act to repeal Article 804, Chapter 3, of the Penal Code so as not to be in conflict with Article 805, Penal Code, as amended by the Twenty-eighth Legislature, page 159, approved April 2, 1903, relating to fishing and hunting on the enclosed lands of another person."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Skinner (by request):

Senate bill No. 108, A bill to be entitled "An Act requiring railroad companies, when their lines are contiguous or approach one another under certain conditions, to construct connections for the interchange of freight, cars and tonnage; defining when it is an abuse not to do so, and requiring them to connect when ordered to do so by the Railroad Commission; providing the power of condemnation for said purposes, and giving the Railroad Commission power to require the construction of such connecting tracks."

Read first time, and referred to Judiciary Committee No. 1.

By Senator Willacy:

Senate bill No. 109, A bill to be entitled "An Act making appropriations for deficiencies in appropriations heretofore made for the support of the State Government for the fiscal years ending August 31, 1905; August 31, 1906; August 31, 1907, being for claims registered in the Comptroller's office in accordance with law and for outstanding claims not registered, and to make additional appropriations for the support of the State Government for the year ending August 31, 1905; August 31, 1906, and August 31, 1907."

Read first time, and referred to Finance Committee.

By Senator Stokes:

Senate bill No. 110, A bill to be entitled "An Act to tax property by will or by descent or by grant or gift taking effect on the death of the grantor or donor."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Glasscock:

Senate Joint Resolution No. 8, To amend Section 2, Article 3, of the State Constitution, relating to the Legislative Department.

Read first time, and referred to Committee on Constitutional Amendments.

Morning call concluded.

Senator Green moved that Senate bill No. 84, which was referred to Judiciary Committee No. 1, be recalled from that committee, and be referred to Judiciary Committee No. 2.

The motion was adopted.

SIMPLE RESOLUTION.

By Senator Willacy:

Resolved, By the Senate that the printer of the Journals of the Senate be required to deliver the Journals of the Senate to the Sergeant-at-Arms of the Senate not later than thirty minutes before the Senate convenes each morning, and that said printer is hereby instructed and advised that said Journals are important records and must be carefully printed so as to avoid errors.

The resolution was read and adopted.

By Senator Murray:

Whereas, The Democracy of Texas has committed itself to the educational reform long advocated by Hon. V. W. Grubbs, by the adoption of the nineteenth plank of the platform; and

Whereas, Judge Grubbs is present in the city in the interest of said educational reform; therefore, be it

Resolved, That he be invited to address the Senate on the matters contained in said platform demand and such other educational topics as may be of interest and that a committee of three be appointed to advise him of this action and ascertain his wishes with reference to the time of such address.

Senator Stone offered the following amendment:

Amend the resolution so as to read as follows:

That the Hon. V. W. Grubbs be invited to address the Senate tonight at 8 p. m., January 24.

The amendment was read and adopted, and

The resolution was read and adopted.

By Senator Senter:

Resolved, That the death of Frank Grice, for more than a quarter of a century the controlling factor in the management of the San Antonio Express, calls for an expression of the sincere regrets of this body, and that in his decease the press and the people of Texas have suffered the loss of a high-minded, patriotic and useful journalist and citizen.

The resolution was read and adopted by a rising vote.

HOUSE CONCURRENT RESOLUTION NO. 2 SIGNED.

The Chair (Lieutenant Governor Davidson) gave notice of signing, and did sign in the presence of the Senate after its caption had been read,

House Concurrent Resolution No. 2, Indorsing the action of President Roosevelt relative to the Brownsville outrage.

REGULAR ORDER SUSPENDED.

On motion of Senator Terrell the pending order of business (Senate bill No. 13) was suspended and the Senate took up, out of its order, a simple resolution, which provided for the appointment of C. T. Hancock as clerk to the Sergeant-at-Arms.

The Chair laid the resolution before the Senate.

There being a majority and minority committee report on the resolution, Senator Grinnan moved to substitute the minority report for the majority report.

Pending discussion on the motion the Senate went into executive session.

EXECUTIVE SESSION.

The Chair here announced the hour, 11 o'clock, had arrived, at which time the Senate had previously designated to sit in executive session for the purpose of considering appointments previously sent to the Senate by the Governor.

In executive session the following confirmations were had:

Board of Regents of the Texas State University—T. S. Henderson, E. A. Calvin, J. M. Presler, M. Marx, George W. Brackenridge, J. W. McLaughlin, M. D.; T. B. Greenwood, N. W. Finley.

Board of Directors of the A. & M. College—Jot Gunter, K. K. Leggett, A. Haidusek, W. P. Sebastian, T. D. Rowell, L. L. McInnis, R. T. Milner, Walton Peete.

For Trustees of the Lunatic Asylum at Austin—R. W. Finley, F. T. Ramsey, A. S. Phelps, Walter L. White, Dr. Joe Wooten.

For Trustees of the Blind Asylum—Frederick C. von Rosenberg, Sidney Nolen, Dr. George S. Beaty, W. M. Thornton, William G. Bell.

For Trustees of the Deaf and Dumb Asylum—I. P. Lockridge, Dr. L. L. Lacy, Tom H. Davis, John E. Shelton, Joe Koen.

For Trustees of the Deaf, Dumb and Blind Asylum for Colored Youths—Charles Stephenson, Morris Silver, James H. Hart, Dr. W. Neal Watt, Kyrie Thrasher.

For Trustees of the Southwestern Insane Asylum at San Antonio—L. J. Hart, F. C. Davis, Dr. T. T. Jackson, C. M. Stone, W. C. Rigsby.

Board of Managers of the Confederate Home at Austin—W. C. Walsh, Val C. Giles, Joel H. B. Miller, Paul F. Thornton, Ben E. McCullough.

For Trustees of the Epileptic Colony at Abilene—W. M. Lacy, John Bowyer, L. A. Grizzard, M. D.; S. P. Hardwicke, A. S. Henry.

For Trustees of the State Orphan Asylum—John A. Thompson, W. L. Derden, L. E. McCormick, W. B. Parker, Mrs. Carrie Pannell.

Board of Trustees for College of Industrial Arts at Denton—Clarence Ousley, Mrs. Birdie R. Johnson, M. Eleanor Brackenridge, J. H. Lowry, Mrs. Helen M. Stoddard, Dr. J. P. Blount, Arthur Lefevre.

Fish and Oyster Commissioner—R. H. Wood of Aransas county.

IN THE SENATE.

Senator Griggs moved that

Senate bill No. 33, A bill to be entitled "An Act to consider the power of eminent domain upon interurban electric railway companies, to regulate the exercise thereof, to permit such companies to construct their railways along and across highways, steam railways, roads, canals, streets, streams, bays, navigable waters and arms of the sea, and to regulate the manner thereof; providing for the making this law cumulative of the General Laws of the State of Texas, and providing an emergency."

Be called up and made a special order for Friday morning at the conclusion of the morning call.

The motion was adopted.

The pending business at this time was the simple resolution, which was before the Senate at the time of the executive session, and,

On motion of Senator Skinner, the Senate, at 12:30 o'clock, adjourned until tomorrow morning at 10 o'clock.

APPENDIX.

PETITIONS AND MEMORIALS.

By Senator Looney:

To the Honorable Senate and House of Representatives of the State of Texas in Legislature Assembled, Austin, Texas—Greeting:

Uttering the earnest desire of a very large majority of Texas citizens

as expressed by nearly three hundred voters of the State of Texas, at the primaries last July in the indorsement of a United States Senator and lending him their suffrage for his re-election to that high office, the undersigned Democratic voters of Wood county, Texas, being impelled by a sense of justice and a desire to uphold the dignity of Texas Democracy; and having unbounded confidence and faith in the integrity, wisdom, ability and statesmanship of the Hon. Joseph W. Bailey, and his loyalty to the Democratic party and the best interests of the individual citizenship of the whole State of Texas, we most respectfully petition your honorable body that in the election of a United States Senator at the present term of the Legislature you be governed by the wishes of the unbiased majority of all the people of Texas as expressed in the aforesaid primary election.

We do not believe that petitions of communities, cliques or clans should govern or influence the deliberations of a State Legislature, especially after the people of this great State have spoken in such unmistakable terms as in their indorsement of Senator Bailey, and the only excuse for this expression is our desire to defend the choice of the masses of Texas citizens for a United States Senator, and to enter our protest against the counter petitions of a small minority composed chiefly of jealous partisans and those who have been prejudiced by their incessant and persistent misstatement of facts.

Three hundred thousand Democratic voters of the State of Texas, at the primary polls last July anticipated the election by the Thirtieth Legislature of the Hon. Joseph Weldon Bailey to succeed himself in the United States Senate.

Will a Democratic Legislature annul the action and thwart the purpose of a State Democratic primary? We think it will not.

Signed: Roland G. Andrews, John McMillan, Ben Stokes and two hundred others.

By Senator Hudspeth:

Mr. Chairman:

Your committee begs to report to you the following for adoption as a resolution of the mass meeting of the citizens of El Paso:

Whereas, The city council of the city of El Paso recently adopted a proposed new charter for the city; and,

Whereas, The citizens of El Paso have been studiously denied by said council

an opportunity to consider the provisions of said proposed new charter or to see a draft thereof; and,

Whereas, It has come to the public notice that said proposed new charter contains numerous radical departures from the system of government which has heretofore obtained in said city; and,

Whereas, Said proposed new charter was considered and adopted by said council in such a manner as to practically deprive the citizens of El Paso of an opportunity of informing themselves as to its numerous provisions, said citizens having had neither the opportunity or privilege of considering the same except remotely, and it appearing that the same is, in its most important provisions, novel and experimental; and,

Whereas, The public has never at any time been in possession of any but the most conjectural, unsatisfactory and unreliable information as to the nature, contents, purport and design of the said proposed new charter; and,

Whereas, The final passage thereof by said city council was effected by only four of the eight aldermen of El Paso, two of the six aldermen present voting against the adoption thereof, and making public their reasons therefor, by declaration in open council, that no one except the city attorney could have adequate knowledge of the contents of said proposed new charter; and,

Whereas, It is a principle of Democracy that the people have a right to a voice in all governmental affairs, and to be informed fully of the deeds and acts of their public servants, and as a corollary, that the members of this municipality ought to be informed of the complexion of any proposed municipal constitution; therefore, be it

Resolved, By the people of El Paso, in mass convention assembled, that we most earnestly protest against the manner in which said proposed new charter was "railroaded" through the city council of the city of El Paso.

Resolved, That we most earnestly express the belief that none of the citizens of El Paso have more than a casual idea of the provisions of said proposed new charter.

Resolved, That we further earnestly express the belief that a very great majority of the citizens of El Paso are deeply concerned as to the nature of the provisions in said proposed new charter contained, and view the same with alarm.

Resolved, That we seriously and earnestly protest against the passage or consideration by the Legislature of said pro-

posed new charter until the citizens of El Paso have had due opportunity to consider the same.

Resolved, That we hereby request the city council to withdraw said proposed new charter from consideration of the Legislature, and that the said city attorney be instructed, by a proper resolution to withdraw the same, to the end that said proposed new charter be submitted to a vote of the people of El Paso for their adoption or rejection.

Resolved, That the Legislature is hereby requested to suspend consideration of said measure until the people of El Paso have had an opportunity to vote on the same, and in the event that the city council of the city of El Paso refuses to comply with this request for a submission of the matter in question to a vote of the people, the Legislature is hereby earnestly petitioned to decline to pass said bill into law.

Respectfully submitted,

J. F. MITCHIN,
P. H. CLARKE,
W. W. BRIDGERS.

Amendment:

Resolved, That the city council be and are hereby requested to immediately publish said proposed new charter at the expense of the city of El Paso, and that the mayor of the city of El Paso be requested to immediately call a special meeting of the city council to be held tomorrow (Saturday) for the purpose of taking action upon these resolutions.

Amendment:

Be it resolved, That if the mayor does not call a meeting and comply with the resolutions of this meeting within three days, that on Monday next, January 21, another mass meeting is hereby called of the citizens of El Paso to further protest and memorialize the Legislature to reject the bill making a new charter for El Paso.

By Senator Paulus:

State of Texas, County of Fayette.

Memorial to the Thirtieth Legislature:

We, the undersigned pupils and members of the civics class of Ellinger public schools of Fayette county, Texas, do hereby petition your Honorable Body, assembled at the Legislative Hall of Austin, Texas, to pass a strictly "Pure Food Law," including dairy products and drugs, as the present national Pure Food Law, passed by Congress, applies only to interstate business and includes only certain products. We beg and request every member of the Thir-

tieth Legislature to give this matter your most careful consideration. Call on Dr. Chisholm, the expert chemist of Dallas, for report and you will be astonished. We pray and beg your Honorable Body to protect us, our little brothers and sisters, against such "sharks" as "food and drug adulterators," who can be counted by hundreds in our Lone Star State.

May God help us to carry our most humble appeal.

Numerously signed.

COMMITTEE REPORTS.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 41, A bill to be entitled "An Act to provide that any citizen of this State may prosecute a suit on his relation in the name of the State for the benefit of his county, to recover the penalties fixed by law for the violation of any condition of liquor dealer's bonds and to fix a compensation or fee to the citizen so prosecuting such suit,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 102, A bill to be entitled "An Act regulating bail in criminal cases, and relating to mode of trial of the defendant in prosecutions for felonies, with an emergency clause,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 59, A bill to be entitled "An Act to define 'delinquent child,' and to regulate the treatment and control of same,"

Have had the same under considera-

tion, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 60, A bill to be entitled "An Act to define dependent and neglected children and to regulate the treatment of same,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 42, A bill to be entitled "An Act to prevent by means of the writ of injunction at the suit of the State, or any citizen thereof, the violation, actual or contemplated or threatened, of any condition of liquor dealers' bonds,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,
Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 53, A bill to be entitled "An Act denouncing as a nuisance any place, room or building in any county, justice precinct, town, city or subdivision of a county as may be designated by the commissioners court of said county in which the sale of intoxicating liquor has been prohibited under the laws of this State, kept or used for the purpose of selling intoxicating liquor in violation of law; denouncing as a nuisance any intoxicating liquor kept, possessed or used for such purpose, and the tools, appliances and furniture used therewith; prescribing a suitable procedure for the search and seizure of any such liquor, tools, appliances and furniture for the trial of the issue presented, the judgment to be

rendered therein, also to prevent by means of a writ of injunction at the suit of the State or any citizen thereof, the use, or the contemplated use, or threatened use of any such place, room or building for the keeping of any such intoxicating liquor and the tools, appliances and furniture used therewith for any such illegal purpose."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 15, A bill to be entitled "An Act on the subject of private corporations, prescribing the terms and conditions on which they may be chartered, the contents of the charter, their duties and the duties of their directors, officers and agents; and certain limitations and restrictions of their powers and the powers of their officers, directors and agents, prescribing terms and conditions under which their capital stock may be increased and decreased, and providing for their dissolution, and generally providing rules and regulations for their government and the conduct of their business; also prescribing the terms and conditions under which foreign corporations may be granted permits to do business in Texas, and the circumstances under which the permit is forfeited; also prescribing the duties of such corporations, their officers, directors and agents, and certain limitations and restrictions on their powers; providing suitable forfeitures, penalties, fines and imprisonment for the violation of the provisions of this act, and repealing certain sections and articles of Title 21 of the Revised Statutes of this State."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 31, A bill to be entitled "An Act to require that sureties on liquor dealers' bonds by affidavit to state

their sufficiency, and preventing the approval of any such bond unless the sureties so qualify and to provide adequate punishment and penalty for any violation of this act."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

Committee Room,

Austin, Texas, January 23, 1907.

Hon. A. B. Davidson, President of the Senate:

Sir: Your Judiciary Committee No. 2, to whom was referred

Senate bill No. 54, A bill to be entitled "An Act to provide for the punishment of persons responsible for or contributing to the delinquency or neglect and dependency of children."

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

LOONEY, Chairman.

FOURTEENTH DAY.

Senate Chamber,

Austin, Texas,

Friday, January 25, 1907.

Senate met pursuant to adjournment. Lieutenant Governor A. B. Davidson in the chair.

Roll call, quorum present, the following answering to their names:

Alexander.	Looney.
Barrett.	Masterson.
Brachfield.	Mayfield.
Chambers.	Meachum.
Faust.	Murray.
Glasscock.	Paulus.
Green.	Senter.
Greer.	Skinner.
Griggs.	Smith.
Grinnan.	Stokes.
Harper.	Stone.
Holsey.	Terrell.
Hudspeth.	Watson.
Kellie.	Willacy.

Absent.

Veale.

Absent—Excused.

Harbison.

Prayer by Rev. Dr. Briggs of Austin.

Pending reading of the Journal of yesterday, on motion of Senator Barrett, the same was dispensed with.